

**Waste Compliance and Mitigation Program Staff Report**  
**Modified Solid Waste Facilities Permit for La Pata Avenue Green Waste Facility**  
**SWIS No. 30-AB-0364**  
**October 25, 2010**

**Background Information, Analysis, and Findings:**

This report was developed in response to the Orange County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the La Pata Avenue Green Waste Facility, SWIS No. 30-AB-0364, located in the City of San Juan Capistrano, Orange County owned by Rancho Mission Viejo and operated by Tierra Verde Industries. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was received on October 4, 2010. Action must be taken on this permit no later than December 3, 2010. If no action is taken by December 3, 2010, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

**Proposed Changes**

The following changes to the permit are being proposed:

	Current Permit	Proposed Permit
Name and Mailing Address of Owner	San Juan Company P.O. Box 9 San Juan Capistrano, CA 92693	Rancho Mission Viejo P.O. Box 1209 San Juan Capistrano, CA 92693
Permitted Traffic Volume	Total: 200 Trips/Day Incoming waste materials: 200 Trips/Day Outgoing waste materials (for disposal): NA Outgoing materials from material recovery operations: NA	Not specified in the permit.
12. Legal Description of Facility	The 10.0-acre site is located on La Pata Road on the western edge of Parcel #6, approximately two miles south of Ortega Highway.	The description and location of this facility is contained in the Report of Compost Site Information dated May 2010. The site is located on the western side of La Pata Road, approximately one and a half miles south of Ortega Highway. The facility is located at Latitude 33.50153, Longitude -117.61815.
13. Findings	a. The Countywide Integrated Waste Management Plan (CIWMP) for the County of Orange was approved by the California Integrated Waste Management Board (CIWMB) on March 26, 1996. This facility was identified in Table 5-2 of the Non-Disposal Facility Element of the CIWMP.  b. This permit is consistent with	a. This permit is consistent with the Orange County Integrated Waste Management Plan, which was last approved by CalRecycle on September 16, 2003. The location for the La Pata Green Waste Facility is identified and described in the County of Orange Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).  b. This permit is consistent with the standards adopted by the CalRecycle, pursuant to PRC 44010.

	<p>standards adopted by the CIWMB. PRC 44010.</p> <p>c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA).</p> <p>d. A Negative Declaration (91-028) was prepared for this facility. PRC 21081</p>	<p>c. The design and operation of the facility is consistent with the state Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC44009.</p> <p>d. A Negative Declaration (91-028) was prepared for the facility on July 15, 1991, and was filed with the State Clearinghouse on September 23, 1992 (SCH# 92091057).</p> <p>e. A Conditional Use Permit was issued by the Orange County Planning Commission on July 24, 1991 (UP 91-011).</p>																				
15. Documents	<table><thead><tr><th>Document</th><th>Date</th></tr></thead><tbody><tr><td>Report of Facility Information</td><td>June 1998</td></tr><tr><td>Conditional Use Permit 91-011P</td><td>July 1991</td></tr><tr><td>Negative Declaration</td><td>July 1991</td></tr></tbody></table>	Document	Date	Report of Facility Information	June 1998	Conditional Use Permit 91-011P	July 1991	Negative Declaration	July 1991	<table><thead><tr><th>Document</th><th>Date</th></tr></thead><tbody><tr><td>Report of Compost Site Information</td><td>May 2010</td></tr><tr><td>Odor Impact Minimization Plan</td><td>May 2010</td></tr><tr><td>Waste Discharge ID: 930I014449</td><td>August 1998</td></tr><tr><td>Negative Declaration (SCH# 92091057)</td><td>July 1991</td></tr><tr><td>Conditional Use Permit: 91-011P</td><td>July 1991</td></tr></tbody></table>	Document	Date	Report of Compost Site Information	May 2010	Odor Impact Minimization Plan	May 2010	Waste Discharge ID: 930I014449	August 1998	Negative Declaration (SCH# 92091057)	July 1991	Conditional Use Permit: 91-011P	July 1991
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16. Self Monitoring	<p>Results of all self-monitoring programs will be reported as follows:</p> <p>Program: Self Monitoring containing the following information shall be prepared and reported as follows:</p> <p>1. Testing of all end-products per Section 17885(b). Reporting Frequency: 45 days after results are available Agency Reported To: LEA</p> <p>2. Compost leachate analyzed per Section 17867(a)(3)(A)(1). Reporting Frequency: 45 days after results are available Agency Reported To: LEA</p> <p>3. Temperature testing per Section 17876(a)(5). Reporting Frequency: As requested. Agency Reported To: LEA</p> <p>4. Composite samples analyzed per Section 17877. Reporting Frequency: 45 days after results are available Agency Reported To: LEA</p>	<p>The owner/operator of La Pata Green Waste Facility shall submit the results of all self monitoring programs to the Orange County Solid Waste Local Enforcement Agency by the due dates below. In addition, such records shall also be made available to the LEA during the inspections and shall be accurate and documented within 7 days of the activity date.</p> <p>Program: Self Monitoring Reports containing the following information shall be prepared and reported as follows:</p> <p>1. Daily and monthly quantities (in tons) and types of waste received as categorized in the following: 1. Greenwaste 2. Wood Waste Reporting Frequency: Quarterly</p> <p>2. A summary of the Log of Special /Unusual Occurrences documenting, but not limited to, accidents, employee injuries, fires, explosions, receipt or rejection of prohibited wastes, hazardous waste incidents, unscheduled shutdowns, vandalisms, etc. Reporting Frequency: Quarterly</p> <p>3. Logs of all verbal complaints and copies of all written complaints (pertaining to LEA-regulated parameters and state minimum standards) regarding activities at La Pata Green Waste Facility and the operator's action in response.</p>																				



	<p>5. Records of activities per Section 17877.</p> <p>All reports submitted to the LEA must be prepared per Section 17895 of Chapter 3.1, Division 7, Title 14, California Code of Regulations.</p>	<p>Reporting Frequency: Quarterly</p> <p>4. All regulatory notices (e.g., Notice to Comply, Notice &amp; Order, Cease &amp; Desist Order, Clean-up &amp; Abatement Order) received by La Pata Green Waste Facility and the operator's actions in response.</p> <p>Reporting Frequency: Quarterly</p> <p>The self-monitoring report shall be submitted in accordance with the following schedule:</p> <table><tr><td>Reporting Period</td><td>Report Due</td></tr><tr><td>January through March</td><td>May 1</td></tr><tr><td>April through June</td><td>August 1</td></tr><tr><td>July through September</td><td>November 1</td></tr><tr><td>October through December</td><td>February 1</td></tr></table>	Reporting Period	Report Due	January through March	May 1	April through June	August 1	July through September	November 1	October through December	February 1
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17. LEA Conditions	<p>(a) This facility shall comply with the State Minimum Standards for Solid Waste Handling and Disposal.</p> <p>(b) Additional information concerning this facility shall be provided if required by the LEA.</p> <p>(c) The permittee shall notify the LEA in writing, at least 150 days in advance of any proposed significant changes in the design/operation of the facility, to allow for early consultation, completion of all required environmental documents and their due process review/filing and the attaining of all other required documents or permits.</p> <p>(d) The LEA may also prohibit or condition the handling or disposal of solid wastes at this facility to protect public health and safety; to protect, rehabilitate, or enhance the environment; or to mitigate adverse environmental impacts.</p> <p>(e) This permit is subject to periodic review and may be modified, suspended, or revoked, at any time by the LEA for sufficient cause in accordance with Article 2, Chapter 4, Part 4, Division 30 of the Public Resources Code.</p>	<p>(These conditions shall be in addition to conditions of other documents controlling the operations and/or design of the facility.)</p> <p>a. The operator shall comply with all state minimum standards for receiving, processing, and storage of greenwaste and wood waste as specified in Title 14, Chapter 3, of the California Code of Regulations (CCR) for greenwaste processing activities.</p> <p>b. Nothing in this Solid Waste Facility Permit shall prevent the operator from complying with all other federal, state and local requirements. Nothing in these conditions shall be construed as relieving the operator, or designee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulation, reports, or other requirements of other regulatory or enforcement agencies.</p> <p>c. The LEA reserves the right to prohibit, suspend, modify, or condition the handling of solid waste or operation at La Pata Green Waste Facility in order to protect public health and safety; to prevent potential health hazards, and/or public nuisances; to protect the environment; or to mitigate adverse environmental impacts.</p> <p>d. This permit is subject to periodic review and may be modified, suspended, or revoked at any time by the LEA for sufficient cause in accordance with PRC Section 44305.</p> <p>e. The operator shall notify the LEA in writing with proposed significant changes to the Report of Compost Site Information at least one hundred eighty (180) calendar days in advance of the proposed changes (as determined by the LEA) to the facility's design or operation to allow for early consultation, completion of all required</p>										

	<p>(f) A copy of the most recent printing of the State Minimum Standards for Composting Operations Regulatory Requirements, a copy of this and all other permits issued for the operation of this facility, a copy of the RFI, and a copy of the most recent LEA inspection report shall be maintained at the site. These documents must be available for review by authorized representatives of the LEA, the CIWMB, or other regulatory agencies.</p> <p>(g) Currently the permittee only chips and grinds. If the permittee decides to compost, they shall notify the LEA in writing fourteen (14) days prior to starting composting operations.</p> <p>(h) The permittee shall notify the LEA of any nuisance or health and safety complaints by the public, in writing or verbally, within 24 hours of its receipt.</p> <p>(i) The permittee shall notify the LEA as soon as it detects that the maximum allowable daily tonnage has been exceeded. It shall then follow-up with a letter to the LEA within 48 hours citing the reason(s) for the exceedance.</p> <p>(j) The permittee shall maintain a log of special/unusual occurrences. These special/unusual occurrences include incidents such as, but not limited to, fires, explosions, discharges or unusual waste, tonnage exceedance, significant incidents of personal injury, accidents and/or property damage, nuisance or health and safety complaints by the public, regulatory agency inspections, etc. Each log entry shall be accompanied by a summary of the responses/corrective actions taken by the operator to mitigate any negative impact or</p>	<p>documents, due process review, filing and the completion of all related permitting processes. Such notification is required for the following changes, but not limited to: permitted tons per day limit, permitted areas of operation, changes in types of waste to be accepted, addition of facility equipment and structures, and changes in operation and procedures not fully described in the Report of Compost Site Information.</p> <p>f. As outlined in Section 16, the operator shall maintain at the facility a daily log of special occurrences (S/U O). The log shall document, but not limited to: public nuisance complaints pertaining to LEA-regulated parameters and state minimum standards (e.g., noise, dust, offsite migration of litter, etc.), fires, explosions, receipt or rejection of prohibited wastes, incidents or personal injury, vandalism, accidents and/or property damage. In addition, an odor complaint log shall also be maintained documenting all verbal and written complaints received by the operator. Each log entry shall be accompanied by a summary of the responses/corrective actions taken by the operator to mitigate any negative impacts of each occurrence. Days without incidents of S/U O shall be noted with an appropriate negative entry for such days such as: "No S/U O today." The logs shall be readily accessible to the LEA upon request. Such records shall be accurate and documented within 7 days of the activity date.</p> <p>g. The operator shall notify the LEA by phone or e-mail as soon as the maximum permitted daily tonnage has been exceeded. The operator shall provide the LEA in writing within 48 hours the reasons for the exceedance and the measures and procedures to prevent recurrence.</p> <p>h. The operator shall notify the LEA of any nuisance or health and safety complaints by the public, by phone or e-mail, within 24 hours of receipt.</p> <p>i. Currently, the operator only chips and grinds. The LEA shall be notified at least fourteen (14) days prior to starting composting operations.</p> <p>j. All loads entering La Pata Green Waste Facility shall undergo load checking in a manner meeting the approval of the LEA. At least one load checker shall be onsite to verify that each load does not contain prohibited waste. If a prohibited waste such as hazardous waste is inadvertently received, the prohibited waste shall be removed for temporary storage in the hazardous waste storage area. The storage and reporting of all hazardous waste shall be in accordance with all applicable laws and regulations.</p>
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	<p>each occurrence. The log must be filled in daily; days without incidents shall be noted with an appropriate entry such as: "No special occurrences today". The permittee shall maintain the log at the facility in a manner readily accessible to facility personnel and to the LEA or other regulatory personnel.</p> <p>(k) This permit supersedes all previous Solid Waste Facility permits for this site.</p>	<p>k. At all times, there shall be litter control personnel and/or other adequate measures to preclude litter from blowing and accumulating off-site. All litter shall be properly disposed in refuse receptacles and transported offsite.</p> <p>l. Personnel assigned to the facility shall be adequately trained in subjects pertinent to chipping and grinding/greenwaste operations and maintenance, prohibited materials recognition and screening, use of mechanized equipment, odor management, personal protection equipment, safety training, and emergency procedures. A record of such training shall be maintained at the site and available for review by the LEA.</p> <p>m. Appropriate safety equipment including hard hats, hearing protection, safety goggles, gloves, safety boots, and respiratory protection shall be provided and available to all personnel assigned to the facility and must be worn as necessary to prevent injuries.</p>
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### **Findings:**

Staff recommends concurrence with the issuance of the proposed modified SWFP. All other required submittals and findings required by Title 27 of the California Code of Regulations (CCR 27) Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Program Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 23, 2010. (Note: The original permit submittal package included a permit marked "draft" in error. Once the error was identified, a proposed permit was submitted on October 4, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review in January 2010, which resulted in the submittal of the modified permit application received by CalRecycle on July 23, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a modified proposed solid waste facilities permit on October 4, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA, in their permit submittal package received on October 4, 2010, provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable



CCR Title 27 Sections	Findings	
	Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated October 6, 2010.	
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 3, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on July 23, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	WCMP staff found that the proposed permit is consistent with CEQA and supports the Department's concurrence in the modified permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on November 3, 2010. No violations were observed.

The LEA has observed the following one (1) violation of State Minimum Standards or permit requirements during the last five years:

- On September 12, 2006, the LEA observed a violation of PRC 44014 (b) – The Operator Shall Comply with all Terms and Conditions of Permit. During the inspection the operator had exceeded the daily tonnage limit of 500 tons/day three times (Sept. 7 = 586 tons, Sept. 9 = 714 tons, and Sept. 11 = 583 tons). The site manager informed the LEA that the daily tonnage exceedances were due to green waste material being diverted from other sites managed by the operator. The manager added that the practice had been stopped and the facility should not exceed the permit limits in the future.

As of the date of this staff report, no other violations have been issued by the LEA since September 12, 2006.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Orange County Environmental Management Agency, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The Orange County Environmental Management Agency, prepared an Environmental Analysis Checklist (Initial Study)/Mitigated Negative Declaration for the proposed project and a biodegradation project on 11.3 acres to allow for commercial composting activities. The site was to be located on La Pata Road, approximately two miles south of Ortega Highway (SR 76) en



route to the Prima Deshecha Landfill. The environmental document was originally prepared on June 24, 1991, but not circulated through the State Clearinghouse (State Clearinghouse No. 1992091057) until September 23, 1992. The Mitigated Negative Declaration was circulated for a 30 day comment period from September 23, 1992 through October 23, 1992. The document identified Safety, Air, Water, Cultural/Scientific Resources, Aesthetics and Noise as “maybe” having a significant effect on the environment. All potential effects were through mitigation and permit conditions reduced to a level of not being significant.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Mitigated Negative Declaration as prepared by the Orange County Environmental Management Agency, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit.

Department staff further recommends the Mitigated Negative Declaration is adequate for the environmental evaluation of the proposed project for those project activities which are within the Department’s expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department’s administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

#### **Local Issues:**

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 320.23). Census information indicates that the surrounding population is approximately 91.9% White, 0.3% African American, 2.1% Asian, 0.5% American Indian and Alaska Native, 2.9% some other race, and 2.3% two or more races. 11.6% of the total population describe themselves as Hispanic or Latino. 3.9% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

#### **Public Comments:**

The LEA did not receive any comments from the posted public notice. No oral or written public comments have been received by the Department or LEA staff.

#### **Department Staff Actions:**

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings where the project was discussed. The Department provided an opportunity for public comment during the WCMP workshop on October 11, 2010.

